

EXHIBIT A

4. The Survivor Statement Sessions will not be transcribed by a court reporter. The Court will make an audio recording of the Survivor Statement Sessions, which is standard protocol for the Court and necessary for the Court to preside over such sessions, but the recordings of the Survivor Statement Sessions will not be released or transcribed without further Order of the Court, after notice and hearing, and only if and to the extent mandated by law or consented to by the parties.

5. If any survivor who filed a proof of claim in the Debtor's bankruptcy would like the opportunity to make a statement, the survivor (a "Speaker") should contact counsel to the Official Committee of Unsecured Creditors (Brittany Michael at bmichael@pszjlaw.com) as soon as possible, and include the Speaker's contact information. Please note it may not be possible to accommodate every request.

6. The Committee shall select the Speakers and, at least two business days in advance of each Survivor Statement Session, counsel for the Committee shall email the courtroom deputy with the names of the Speakers, numbered in order of expected appearance, and the estimated time for each Speaker.

7. Apart from introductions by counsel and the Court, the Survivor Statement Sessions will include only statements by the Speakers. No party in interest shall comment or respond to the statements.

Dated: _____, 2025
Burlington, VT

Hon. Heather Z. Cooper
United States Bankruptcy Judge

EXHIBIT B

August 28, 2024
EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: August 28, 2024

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re) Bankruptcy Case No. 23-30564-DM
)
THE ROMAN CATHOLIC ARCHBISHOP) Chapter 11
OF SAN FRANCISCO,)
)
)
Debtor.)
)
)

**AMENDED ORDER GRANTING APPLICATION TO SCHEDULE A STATUS
CONFERENCE WITH PRESENTATION OF SURVIVOR STATEMENTS¹**

At status conferences held on July 25, 2024 at 1:30 p.m.
and August 27, 2024, the court considered the *Application to
Schedule a Status Conference for the Presentation Of Survivor
Statements* (the "Application")² [Dkt. No. 745], filed by the
Official Committee of Unsecured Creditors in the above-captioned
bankruptcy case, the response to the Application filed by

¹ This Amended Order adds matters discussed at the hearing
on August 27, 2024 and makes non-substantive revisions to the
matters dealt with in Dkt. 781.

² Capitalized terms not defined herein shall have the same
meaning ascribed to them in the Application.

1 Certain Underwriters at Lloyd's London and Certain London Market
2 Companies [Dkt. No. 750], and other matters raised *sua sponte* by
3 the court.

4 **IT IS HEREBY ORDERED:**

5 1. The Application is GRANTED.

6 2. The Court will hold two, two-hour in-person status
7 conferences (collectively, the "Conferences"), in Courtroom 17
8 of the United States Bankruptcy Court, 450 Golden Gate Ave., San
9 Francisco, CA 94102, on **September 9, 2024 at 2:00 p.m. PT** and
10 **September 13, 2024 at 10:30 a.m. PT**, respectively, before the
11 Honorable Dennis Montali.

12 3. No statements of any party in interest at the
13 Conferences will be considered as evidence in any matter or
14 proceeding in this case or as part of the official record in
15 this case.

16 4. The Conferences will not be transcribed by a court
17 reporter and the Court will record the audio of the Conferences,
18 which is standard protocol for the Court and necessary for the
19 Court to preside over the Conferences, but the recordings of the
20 Conferences will not be released or transcribed without further
21 Order of the Court, after notice and hearing, and only if and to
22 the extent mandated by law or consented to by the parties.

23 5. If any Survivor who filed a proof of claim in the
24 Debtor's bankruptcy would like the opportunity to make a
25 statement, the Survivor (a "Speaker") should contact counsel to
26 the Official Committee of Unsecured Creditors (Brittany Michael
27 at bmichael@pszjlaw.com) as soon as possible, and include the
28

1 Speaker's contact information. Please note it may not be
2 possible to accommodate every request.

3 6. The Committee shall select the Speakers and, prior to
4 the particular Conference (September 6 and September 11) shall
5 email to the Courtroom Deputy (Lorena Parada@Canb.Uscourts.GO)
6 and counsel for Debtor, the names of the Speakers, numbering the
7 Speakers in order they expect to speak and the estimated time
8 for each Speaker. During the Conference, Speakers will be
9 referred to only by their assigned Speaker number unless they
10 choose to use their own names. The entire time for each
11 Conference is approximately two hours, and Speakers will not be
12 allowed more than fifteen minutes each.

13 7. The Conferences will include only statements by the
14 Speakers, apart from introductions by counsel for the Debtor and
15 the Committee and the court no parties in interest shall be
16 expected or allowed to comment or respond to the Statements.

17 8. Courtroom 19 will be available for any overflow in the
18 event Courtroom 17 is full and it will be for listen and viewing
19 only.

20 9. Masks are optional for anyone in attendance.

21 10. No recording or photographing, or the use of courtroom
22 artists will be permitted.

23 11. Courtroom 17 will be available exclusively for the
24 Committee and Speakers beginning at 12:45 p.m. on September 9
25 and 9:15 a.m. on September 13, and opened to the public at
26 1:45 p.m. and 10:15 a.m., respectively for the Conferences.

27 12. Water will be available in Courtroom 17.

28 END OF ORDER

COURT SER ICE LIST

ECF Recipients

EXHIBIT C

Entered: March 21st, 2024

Signed: March 21st, 2024

SO ORDERED

Michelle M. Harner
 MICHELLE M. HARNER
 U.S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF MARYLAND
 at Baltimore**

In re: *
 *
 Roman Catholic Archbishop of Baltimore, * Case No. 23-16969-MMH
 *
 Debtor. * Chapter 11
 *

* * * * *

**ORDER GRANTING COMMITTEE REQUEST TO RESERVE
 TIME FOR PRESENTATION OF SURVIVOR STATEMENTS**

This matter is before the Court on the Notice of Presentation of Survivor Statements (the “Notice”), filed by the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned chapter 11 case. ECF 418. By the Notice, the Committee requests that the Court reserve two dates to permit Survivor Statements from certain members of the Committee and other Survivor claimants who have expressed a willingness and desire to address the Court. *Id.* Based on the Notice and the entirety of the docket in this case to date, the Court finds that the requested relief is in the best interest of this estate and may further the Debtor’s reorganization efforts to the benefit of the Debtor, the Survivors, and other parties in interest.¹ Accordingly, it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the relief requested by the Notice is granted on the terms and subject to the conditions of this Order; and it is further

¹ Given the nature of the relief requested (including the informational nature of the relief), the proposed dates for the status conferences, and the status of this chapter 11 case, the Court finds good cause to grant the relief requested by the Notice without further notice or opportunity for hearing. 11 U.S.C. § 102(1)(B).

ORDERED, that the Court will hold two, two-hour status conferences on April 8, 2024, and May 20, 2024, each beginning at 10:00 a.m., ET (collectively, the “Conferences”), in person in Courtroom 9-C in Baltimore; and it is further

ORDERED, that the sole purpose of the Conferences is to increase engagement and understanding in this chapter 11 case; *no statements of any party at the Conferences will be considered as evidence in any matter or proceeding in this case or as part of the official record in this case*; and it is further

ORDERED, that the Conferences will not be transcribed by a court reporter;² and it is further

ORDERED, that, notwithstanding the immediately preceding decretal paragraph, the Court will record the audio of the Conferences, which is standard protocol for the Court and necessary for the Court to preside over the Conferences, *but the recordings of the Conferences will not be released or transcribed without further Order of the Court, after notice and hearing, and only if and to the extent mandated by law or consented to by the parties*; and it is further

ORDERED, that consistent with Local Rule 5070-1, no party or member of the public may photograph, video record, audio record, broadcast, televise, or otherwise transmit the Conferences; and it is further

ORDERED, that the Committee shall file an agenda for each Conference on or before April 4, 2024, and May 16, 2024, respectively; such agenda should identify only the number of Survivor Statements being presented and the estimated time allocated to each.

END OF ORDER

² The Court finds that the exceptional circumstances of this case and the factors set forth in the Notice support the relief granted herein. *See, e.g.*, 28 U.S.C. § 735; Notice ¶¶ 6–12, notes 5, 6.

EXHIBIT D

So Ordered.

Signed this 24 day of February, 2025.



Wendy A. Kinsella

Wendy A. Kinsella

United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

The Roman Catholic Diocese of Syracuse, New
York,

Debtor.

Case No. 20-30663

Chapter 11

Judge Wendy A. Kinsella

**ORDER GRANTING OFFICIAL COMMITTEE OF UNSECURED CREDITORS'
MOTION TO AUTHORIZE STATUS CONFERENCES FOR THE PRESENTATION OF
SURVIVOR IMPACT STATEMENTS**

This matter is before the Court on *The Official Committee of Unsecured Creditors' Motion to Authorize Status Conferences for the Presentation of Survivor Impact Statements* (the "Motion") filed by the Official Committee of Unsecured Creditors at Dkt. No. 2447; *London Market Insurers' Opposition to Motion to Authorize Status Conference for the Presentation of Survivor Impact Statements* filed by Certain Underwriters at Lloyd's, London and London Market Companies at Dkt. No. 2491 (the "LMI Opposition"); *Interstate's Opposition to the Official Committee of Unsecured Creditors' Motion to Authorize Status Conferences for the Presentation of Survivor Impact Statements* filed by Interstate Fire & Casualty Company and Firemen's Fund Insurance

Company Interstate's at Dkt. No. 2495 (the "Interstate Opposition" and collectively with the LMI Opposition, the "Oppositions"); and *The Official Committee of Unsecured Creditors' Reply in Support of the Motion to Authorize Status Conferences for the Presentation of Survivor Impact Statements* (the "Reply") filed by the Committee at Dkt. No. 2510.

Based on the Motion and responsive filings, oral argument regarding the Motion on February 13, 2025, and the record of proceedings in this case, for the reasons stated by the Court on the record; and after due deliberation thereon, and good and sufficient cause appearing therefor:

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** in part and denied in part and the Oppositions are **OVERRULED** in part and sustained in part as set forth herein.

2. Pursuant to 11 U.S.C. § 105(a) and (d), the Court will schedule a status conference for the presentation of survivor statements on April 22, 2025 from 10:00 a.m. to 4:00 p.m. prevailing eastern time with a 30-minute break for lunch (the "Conference").

3. The sole purpose of the Conference is to increase engagement and understanding in this chapter 11 case. Any statements made during the Conference, or reporting thereon, shall not be considered evidence in any matter or proceeding in this case or as part of the official record in this case and shall have no evidentiary weight.

4. The Conference shall not be transcribed by a court reporter.

5. Notwithstanding the paragraph 4 of this Order, immediately above, the Court will record the audio of the Conference, which is standard protocol for the Court and necessary for the Court to preside over the Conference, *provided however*, that such recording of the Conference shall not be released or transcribed without further Court order. To the extent the audio recording

of the Conference is later transcribed pursuant to an order of this Court, such transcript shall be sealed pending further Court order.

6. Consistent with the Court's Amended Case Management Order at Dkt. No. 1871, all persons attending the Conference are strictly prohibited from making any recording of the proceeding, including but not limited to, a video recording, an audio recording, photographs of the Conference, or any other transmittal of the Conference.

7. Any media report concerning the statements made at the Conference shall not be considered evidence in any matter or proceeding in this case.

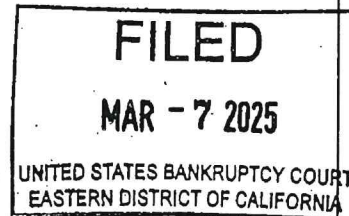
8. The Conference shall include only survivor statements; no parties in interest shall be expected or allowed to comment or respond to the survivor statements.

9. The Committee shall file an agenda for the Conference by April 18, 2025; such agenda should identify only the number of survivor statements being presented, and the estimated time allocated to each statement.

10. Bishop Douglas J. Lucia of the Roman Catholic Diocese of Syracuse, New York shall attend the Conference. Other Diocesan representatives are encouraged to attend.

###

EXHIBIT E



MGRS

FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

In re: THE ROMAN CATHOLIC BISHOP)
OF SACRAMENTO,)
Debtor.)

Chapter 11

Case No. 24-21326-C-11

Dkt. Control STI-6

MEMORANDUM ORDER ON MOTION TO AUTHORIZE PRESENTATION OF SURVIVOR
STATEMENTS

CHRISTOPHER M. KLEIN, Bankruptcy Judge

The Creditors' Committee, with acquiescence by the Debtor-in-Possession, has asked this Court to honor its promise made at the outset of the case to afford sex abuse victim-claimants the option of personally telling the Bishop, in the Court's presence, how the various abuses have affected their lives.

Some of the insurers object that such a session is not authorized by the Bankruptcy Code and say that a bankruptcy judge has no other authority to conduct such a session. The opposition evinces stunning ignorance of basic judicial powers. Moreover, why the insurers object is a puzzle.

This order granting the motion is published to explain why the opposition by the insurers is wrong.

I

The promise to hear victim statements in the presence of the Court and the Bishop follows from this Court's experience in 2014 presiding over a similar session concurrent with the disclosure statement hearing in the chapter 11 case of The Roman Catholic Bishop of Stockton, California.

1 The emotions expressed by those few victims who mustered
2 the courage to come forward seemed to foster some degree of
3 closure and peace to them. That experience (perhaps the most
4 poignant day in this judge's 37 years in office) illustrated the
5 inadequacy of the chapter 11 process in bringing closure to
6 victims without having such an opportunity. Considerations of
7 basic human dignity require that they know that they have been
8 heard by the Church and by the Court. Mere promises to pay
9 personal injury tort claims and to reform practices did little to
10 assuage the trauma that was being expressed.

11 The reality is that profound human, psychological, and
12 spiritual aspects of church sex abuse cases transcend tort
13 damages. The bankruptcy reorganization process may be proficient
14 in the hard-headed business of marshaling diocesan resources and
15 insurance coverage available to fund tort damage payments, but it
16 does little to heal festering psychological wounds.

17 Anything that promotes reconciliation, catharsis, and solace
18 for sex abuse victims in a chapter 11 case serves the interests
19 of justice and is a worthy task for a bankruptcy judge.

20 Procedurally, the victims statement session qualifies as a
21 form of conference that is neither a trial nor a hearing. If one
22 needs a label and a justification, it is in the nature of a
23 confidential settlement conference that is an exercise of
24 inherent judicial authority.

25
26 II

27 The insurers in their opposition say that such a session is
28 not authorized and not within the discretion of the Court.

1 Specifically, they object that such a session is: (1)
2 "unauthorized under the Bankruptcy Code;" (2) this Court "cannot
3 act without statutory authority otherwise found in the Bankruptcy
4 Code;" (3) "equity cannot serve as a justification for the
5 requested relief;" (4) victim statements would constitute
6 "testimony;" and (5) "the proposed testimony is not offered in
7 support of any form of relief before the court." Dkt. 994.

8 The insurers construct and demolish a straw man on a
9 platform of false premises.

10
11 A

12 Essential background to understanding the insurers'
13 opposition necessitates a focus on the role played by the
14 insurers in this tragedy.

15
16 1

17 The dramatis personae:

- 18 - Individual tort plaintiffs in pending state-court
19 litigation suing Church on theories sounding in sexual
20 abuse.
- 21 - Bishop of Sacramento representing, under principles of
22 apostolic succession, the institutional church diocese
23 of Sacramento, defendant in tort lawsuits, and person
24 seeking chapter 11 reorganization on behalf of diocese.
- 25 - Attorneys for Bishop.
- 26 - Creditors' Committee, official chapter 11 representative
27 of collective individual tort plaintiffs for purposes
28 of negotiations intended to achieve global resolution
of the state-court tort claims based on diocesan assets
and available insurance.
- Attorneys for Creditor's Committee.
- Bankruptcy Court Judge, presiding over chapter 11 process.

- Superior Court Trial Judge, presiding over the pending lawsuits filed by the individual tort plaintiffs but presently stayed by virtue of bankruptcy automatic stay.
- Insurers putatively obligated to defend Bishop in pending state-court tort litigation suspended by bankruptcy automatic stay, and participants in negotiations regarding insurer contribution to potential group settlement. Obligated to proceed with state-court defense if automatic stay terminates.

2

The question arises, what business is it of the insurers if some of the tort plaintiff victims want to tell the Bishop in the presence of the Chapter 11 Bankruptcy Judge how they feel? Why should the insurers care? How are they harmed?

Isn't it to the advantage of the insurers that all possible claims be asserted in this collective proceeding, so that there is no residuum of stragglers who might have to be dealt with after the chapter 11 case ends?

B

The first relevant point regarding the insurers is that they are now basking in the shelter of the automatic stay, without which, they would be paying for legions of defense counsel to conduct discovery in the pending state-court litigation pursuant to their duty to defend.

C

The second relevant point is that the insurers during this case have sought to cadge as much information as possible about the individual plaintiffs while they are enjoying their free ride

1 on the automatic stay.

2 They made a strong effort to have the chapter 11 claims form
3 contain unnecessarily detailed information (who, what, where,
4 when) that ordinarily is ferreted out by defendants as part of
5 their discovery in tort litigation.

6 This Court rebuffed that attempt to raise the bar at the
7 threshold, reasoning that to do so at the initial claim stage
8 would chill claims in a scenario in which the chapter 11 goal is
9 to encourage all possible claimants to come forward.

10 This Court reasoned further that, after the claims are
11 filed, the specific discovery-type information the insurers
12 desire necessarily will have to be shared with them by the
13 Committee in connection with the mediation negotiations that
14 commonly resolve successful diocese cases. It is not realistic
15 to expect insurers to make uninformed investment decisions when
16 settling liability exposures.

17 This Court even has the power to modify the automatic stay
18 so as to permit some state-court discovery during the pendency of
19 this chapter 11 case, which it may do if negotiations languish.

20 Of course, if no deal is agreed upon, the insurers will have
21 full opportunity to conduct and to pay for individualized (who,
22 what, where, when) discovery in the state-court litigation after
23 the shelter of the automatic stay is lifted.

24
25 D

26 The key relevant point regarding this Court is that it is
27 not the trier of fact in the sex abuse personal injury tort
28 actions. Nor, in light of 28 U.S.C. § 157(b)(5), could it ever be

1 the trier of fact.

2 Rather, as these are all state-court tort cases, that duty
3 falls upon the state superior court judge to whom the various
4 cases are, or will be, assigned for trial.

5
6 III

7 The assertion that a Bankruptcy Court lacks authority to
8 permit survivor statements to be made to the Court and to the
9 Bishop in a confidential setting is nonsense.

10
11 A

12 The proposition that any words that cross the lips of the
13 complaining victims constitutes "testimony" makes no sense.

14 The victim statements are not being made to the trier of
15 fact. They are not being made under oath or penalty of perjury.

16 In the procedural posture of the case, any statements made
17 are no more than allegations which standard Rule 12 pretrial
18 motion practice treats as true only for purposes of analysis.
19 Hence, the alleged sex abuses are treated as presumed to have
20 occurred for interim pretrial procedural purposes. Ultimately, of
21 course, the plaintiffs must prove their respective cases by
22 preponderance of evidence in trial by jury. At this stage,
23 credibility is not an issue.

24
25 B

26 The insurers' next false premise is that a Bankruptcy Court
27 can do nothing that is not on the record in open court.

28 That premise is belied by Civil Rules 16 and 77 and its

1 bankruptcy counterparts Rules 7016 and 5001(b), which permit
2 various conferences and similar sessions that are neither trials
3 nor hearings to be done in chambers or elsewhere on or off the
4 record.

5 Rule 77(b) provides in relevant part: Any act other than a
6 trial on the merits "may be done or conducted by a judge in
7 chambers, without the attendance of the clerk or other court
8 official, and anywhere inside or outside the district." Fed. R.
9 Civ. P. 77(b); Fed. R. Bankr. P. 5001(b).

10 As the Moore's Treatise explains, Rule 77(b)'s permission
11 for private conferences for non-trial matters "articulates the
12 traditional authority of a judge to speak privately with the
13 parties to a suit, whether in bench conferences or in chambers."
14 Moore's Federal Practice § 77.03 (3d ed. 2024) ("Moore's"),
15 quoting B.H. v. McDonald, 49 F.3d 294, 297-98 (7th Cir. 1995).

16 Similarly, Rule 16 permits a wide variety of pretrial
17 conferences during the pre-trial stage, including scheduling
18 conferences, settlement conferences, and case management
19 conferences. As Moore's explains, "Rule 16 does not mandate any
20 particular procedures for initial case management conferences ...
21 some judges conduct these kind of conferences much less formally,
22 with counsel in chambers, with appearances by telephone or
23 videoconferencing, or even off the record." Fed. R. Civ. P. 16,
24 Fed. R. Bankr. P. 7016; 14 Moore's § 16.35[1][a].

25
26 IV

27 In view of the sensitivity of the statements and the privacy
28 interest of victims, the victim statement session will not be on

1 the record. It will occur in an appropriate private setting. Nor
2 will there be electronic recording.

3 The session on Monday, March 31, 2025, at 11:00 a.m., will
4 not exceed two and one-half hours. It is fundamentally a
5 listening session. There will be no responses entertained. No
6 other subjects will be discussed.

7 The invitees are limited to the victims who wish to make
8 statements, Victims Committee counsel, the Bishop, and his
9 chapter 11 counsel.

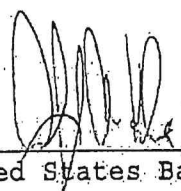
10 Although this Court initially stated that a representative
11 of the insurers could attend the confidential settlement
12 conference, their opposition papers persuade this Court
13 otherwise. The insurers point out that statements made at a
14 similar session in another diocese case in a different judicial
15 district were soon reported in a newspaper. Thus, they stress
16 that confidentiality is a prime concern. This Court agrees and
17 believes that limiting access is important to preventing
18 disclosure. Hence, the insurers are no longer invited.

19 The insurers will have to trust in this Court's adherence to
20 its instructions stated above and to its fidelity to Judicial
21 Canons, including avoiding an appearance of impropriety.

22 The Creditors' Committee motion is GRANTED.

23 SO ORDERED.

24 Dated: March 06, 2025

25
26
27 
28 United States Bankruptcy Judge

INSTRUCTIONS TO CLERK OF COURT
SERVICE LIST

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

Paul J. Pascuzzi
500 Capitol Mall, Suite 2250
Sacramento, CA 95814

The Official Committee of Unsecured Creditors
c/o Robert T. Kugler
50 S 6th Street, Suite 2600
Minneapolis, Minnesota 55402

Jeff Kahane
Duane Morris LLP
865 S. Figueroa Street, Suite 3100
Los Angeles, CA 90017

Catalina J. Sugayan
Clyde & Co US LLP
30 S. Wacker Drive, Suite 2600
Chicago, IL 60606

Office of the US Trustee
501 I Street, Suite 7-500
Sacramento, CA 95814

EXHIBIT F



STINSON LLP

ROBERT T. KUGLER

(Minn. Bar No. 194116)

robert.kugler@stinson.com

EDWIN H. CALDIE (*pro hac vice*)

ed.caldie@stinson.com

CLARISSA C. BRADY (*pro hac vice*)

clarissa.brady@stinson.com

50 S 6th Street, Suite 2600

Minneapolis, Minnesota 55402

Telephone: (612) 335-1500

The following constitutes the order of the Court.

Signed: December 5, 2024

A handwritten signature of Charles Novack in black ink.

Charles Novack
U.S. Bankruptcy Judge

KELLER BENVENUTTI KIM LLP

TOBIAS S. KELLER (Cal. Bar No. 151445)

(tkeller@kbbkllp.com)

JANE KIM (Cal. Bar No. 298192)

(jkim@kbbkllp.com)

GABRIELLE L. ALBERT

(Cal. Bar No. 190895)

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425 Market Street, 26th Floor

San Francisco, California 94105

Telephone: (415) 496-6723

Facsimile: (650) 636-9251

*Counsel for the Official Committee of Unsecured
Creditors*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

Case No. 23-10113 CN

THE ROMAN CATHOLIC BISHOP
OF SANTA ROSA,

Chapter 11

Debtor.

**ORDER GRANTING THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS' MOTION FOR THE
PRESENTATION OF SURVIVOR
STATEMENTS AND SCHEDULING THE
PRESENTATION OF SURVIVOR
STATEMENTS FOR FEBRUARY 6, 2025**

[Re: Dkt. No. 920]

1 This matter is before the Court on the *Official Committee of Unsecured Creditors' Motion*
2 *to Schedule A Status Conference for the Presentation of Survivor Statements* [Dkt. 920] (the
3 "Motion"), filed by the Official Committee of Unsecured Creditors (the "Committee") in the
4 above-captioned chapter 11 case. By the Motion, the Committee requests that the Court reserve
5 a date to permit the presentation of statements ("Survivor Statements") from certain members of
6 the Committee and other survivor claimants ("Survivors") who have expressed a willingness and
7 desire to address the Court. Based on the Motion, and the entirety of the docket in this case to
8 date, the Court finds that the requested relief is in the best interest of this estate and may further
9 the Debtor's reorganization efforts to the benefit of the Debtor, the Survivors, and other parties
10 in interest; and after due deliberation thereon, and good and sufficient cause appearing therefor:

11 **IT IS HEREBY ORDERED THAT:**

- 12 1. The Motion is **GRANTED**.
- 13 2. The hearing will be held on **Thursday, February 6, 2025 at 1:00 PM**, at the
14 United States Bankruptcy Court Northern District of California, Courtroom 215, 1300 Clay
15 Street, Oakland, California 94612 (the "Conference").
- 16 3. The sole purpose of the Conference is to increase engagement and understanding
17 in this chapter 11 case; *no statements of any party at the Conference will be considered as*
18 *evidence in any matter or proceeding in this case or as part of the official record in this case.*
- 19 4. The Conference will not be transcribed by a court reporter.
- 20 5. Notwithstanding the immediately preceding paragraph, the Court will record the
21 audio of the Conference, which is standard protocol for the Court and necessary for the Court to
22 preside over the Conference, *but the recordings of the Conference will not be released or*
23 *transcribed without further Order of the Court, after notice and hearing, and only if and to the*
24 *extent mandated by law or consented to by the parties.*
- 25 6. The Committee shall file an agenda for the Conference prior to the Conference;
26 such agenda should identify only the number of Survivor Statements being presented and the
27 estimated time allocated to each statement.
- 28

1 7. The Conference will include only Survivor Statements; no parties in interest shall
2 be expected or allowed to comment or respond to the Survivor Statements.

3 END OF ORDER
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COURT SERVICE LIST

All ECF Parties

EXHIBIT G

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



LOWENSTEIN SANDLER LLP

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Telephone: (973) 597-2500

Facsimile: (973) 597-2400

The following constitutes the order of the Court.

Signed: October 31, 2024

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San Francisco, California 94105

Telephone: (415) 496-6723

Facsimile: (650) 636-9251

William J. Lafferty, III
U.S. Bankruptcy Judge

*Counsel for the Official Committee of Unsecured
Creditors*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Case No. 23-40523 WJL

Chapter 11

In re:

THE ROMAN CATHOLIC BISHOP OF
OAKLAND, a California corporation sole,

Debtor.

**AGREED ORDER GRANTING
MOTION TO SCHEDULE STATUS
CONFERENCES FOR THE
PRESENTATION OF SURVIVOR
STATEMENTS**

Upon consideration of the *Motion to Schedule Status Conferences for the Presentation of
Survivor Statements* [Dkt. No. 1365] (the "Motion")¹ filed by the Official Committee of
Unsecured Creditors (the "Committee") of the Roman Catholic Bishop of Oakland (the

¹ Capitalized terms used but not defined herein have the n



1 “Debtor”); the *Debtor’s Statement in Support of Committee’s Requested Order Scheduling Status*
2 *Conferences for the Presentation of Survivor Statements* [Dkt. No. 1380], including Bishop
3 Barber’s request and commitment to attend the Survivor Conferences (defined below) subject to
4 the procedures set forth herein; the *Limited Opposition to the Motion for Order Scheduling Status*
5 *Conferences for the Presentation of Survivor Statements* [Dkt No. 1381]; the *Pacific Insurers’*
6 *Objection to the Committee’s Motion for Order Scheduling Status Conferences for the*
7 *Presentation of Survivor Statements* [Dkt. No. 1382]; statements made on the record at the initial
8 hearing on the Motion held October 15, 2024 before this Court; the Committee’s reply in further
9 support of the Motion [Dkt. No. 1415]; the sur-reply of Pacific Insurers (as defined in the Motion)
10 to the Committee’s reply in further support of the Motion [Dkt. No. 1418]; statements made on the
11 record at the subsequent hearing on the Motion held October 24, 2024 before this Court; and the
12 entirety of the docket in this case to date, the Court finds, for the reasons stated by the Court on
13 the record at the October 24, 2024 hearing, that the requested relief is in the best interest of the
14 Debtor’s estate and may further the Debtor’s reorganization efforts to the benefit of the Debtor,
15 Survivors and other parties in interest.

16 **IT IS HEREBY ORDERED THAT:**

- 17 1. The Motion is **GRANTED**.
- 18 2. All objections to the Motion not already withdrawn or resolved are **OVERRULED**.
- 19 3. The Court will hold two, two-hour in-person status conferences (collectively, the
20 “Survivor Conferences”) in Courtroom 220 of the United States Bankruptcy Court, 1300 Clay
21 Street, Oakland, California 94612: the first two-hour period, from 3:00 P.M. to 5:00 P.M. (Pacific
22 Time) on November 4, 2024, and the second two-hour period, from 10:00 A.M. to 12:00 P.M.
23 (Pacific Time) on December 13, 2024, before the Honorable William Lafferty.
- 24 4. No statements of any party in interest at the Survivor Conferences will be
25 considered as evidence in any matter or proceeding in this case or any other judicial or
26 administrative proceeding or as part of the official record in this case.
- 27 5. The Survivor Conferences will not be transcribed by a court reporter. The Court
28 will record the audio of the Survivor Conferences, which is standard protocol for the Court and

1 necessary for the Court to preside over the Survivor Conferences; *provided, however*, that the
2 recordings of the Survivor Conferences shall not be released or transcribed unless (i) mandated by
3 law or (ii) the Debtor, the Committee, the Speaker (defined below) and the Insurers (defined in
4 Exhibit A) agree in writing; *provided, further, however*, that if a Speaker requests that recordings
5 of the Survivor Conferences be released or transcribed and one of the foregoing parties opposes
6 the request, the recordings of the Survivor Conferences may only be released or transcribed upon
7 entry of an order of the Court, with such order being subject to notice and a hearing.

8 6. Any Survivor who has filed a proof of claim in the Chapter 11 Case who would like
9 to speak at a Survivor Conference (a “Speaker”), or their counsel, should request the opportunity
10 to do so by contacting counsel to the Official Committee of Unsecured Creditors by email
11 (Gabrielle Albert, Esq. at galbert@kbkllp.com and Brent Weisenberg, Esq. at
12 bweisenberg@lowenstein.com) on or before October 31, 2024 for Speakers wishing to address the
13 Court on November 4, 2024 and on or before December 9, 2024 for Speakers wishing to address
14 the Court on December 13, 2024, and include the Speaker’s contact information and the name (if
15 any) of their legal counsel. Please note it may not be possible to accommodate every request.

16 7. Prior to each particular Survivor Conference, counsel to the Committee shall email
17 the Courtroom Deputy Cindy Fan, at Cindy_Fan@canb.uscourts.gov, with the names of the
18 Speakers, numbering the Speakers in order in which they are expected to speak and the estimated
19 time for each Speaker. During each Survivors Conference, Speakers will be referred to only by
20 their assigned Speaker number unless they choose to use their own names. The entire time for
21 each Survivor Conference is approximately two hours, and Speakers statements shall be limited to
22 no more than 15 minutes each.

23 8. Apart from introductions by counsel for the Debtor and the Committee and the
24 Court, the Survivor Conferences will include only statements by the Speakers. No party in interest
25 shall be permitted to comment or respond to the Statements.

26 9. The Court will designate a courtroom to be available for any overflow, and for
27 listen and viewing only, in the event Courtroom 220 is full. Water will be made available.

28 10. Masks are optional for anyone in attendance.

1 11. No recording, photographing, or use of courtroom artists will be permitted.

2 12. Courtroom 220 will be available exclusively for the Committee and Speakers
3 beginning at (i) 1:30 P.M. (Pacific Time) on November 4, 2024 and (ii) 8:30 A.M. (Pacific
4 Time) on December 13, 2024, and opened to the public at (i) 2:00 PM. (Pacific Time) on
5 November 4, 2024 and (ii) 9:00 A.M. (Pacific Time) on December 13, 2024 for the Survivor
6 Conferences.

7 **END OF ORDER**

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Exhibit A

"Insurers" means:

- (i) American Home Assurance Co.
- (ii) California Insurance Guarantee Association, a state entity, and
- (iii) Catalina Worthing Insurance Ltd F/K/A HFPI (As Part VII Transferee of Excess Insurance Co. Ltd.)
- (iv) Certain Underwriters At Lloyd's, London, Subscribing Severally And Not Jointly To Slip Nos. Cu 1001 And K 66034 Issued To The Roman Catholic Archbishop Of San Francisco, And Nos. K 78138 And Cu 3061 Issued To The Roman Catholic Bishop Of Oakland
- (v) Companhia de Seguros Fidelidade SA F/K/A Fidelidade Insurance Company of Lisbon, Subscribing to Slip No. K 78138 Issued to the Roman Catholic Bishop of Oakland
- (vi) Continental Casualty Company
- (vii) Dominion Insurance Company Limited
- (viii) English & American Insurance Company Limited
- (ix) Insurance Company Of North America
- (x) Lexington Insurance Co.
- (xi) London and Overseas Insurance Company Limited
- (xii) Ocean Marine Insurance Company Limited (As Part VII Transferee of the World Auxiliary
- (xiii) Insurance Corporation Limited
- (xiv) Orion Indemnity Company
- (xv) Pacific Employers Insurance
- (xvi) Pacific Indemnity
- (xvii) R&Q Gamma Company Limited (as Part VII Transferee of Anglo French Ltd.)
- (xviii) River Thames Insurance Company Limited

- 1 (xix) Travelers Casualty & Surety Company F/K/A Aetna Casualty & Surety Company
- 2 (xx) United States Fire Insurance
- 3 (xxi) Westchester Fire Insurance Company
- 4 (xxii) Westport Insurance Corporation

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COURT SERVICE LIST

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EXHIBIT H

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118TH CONGRESS
2D SESSION

H. R. 8077

To amend title 11 of the United States Code to address misuse of bankruptcy proceedings in cases of child sex abuse, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2024

Ms. ROSS (for herself and Ms. TENNEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 11 of the United States Code to address misuse of bankruptcy proceedings in cases of child sex abuse, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Closing Bankruptcy
5 Loopholes for Child Predators Act of 2024”.

6 **SEC. 2. AMENDMENTS.**

7 (a) AMENDMENTS.—Title 11, United States Code, is
8 amended—

9 (1) in section 101—

1 (A) by redesignating paragraphs (51B),
2 (51C), and (51D) as paragraphs (51C), (51D),
3 and (51E), respectively, and

4 (B) by inserting after paragraph (51A) the
5 following:

6 “(51B) The term ‘sexual abuse of a child’
7 means any act that—

8 “(A) constitutes a violation of—

9 “(i) section 1589, 1590, 1591,
10 2241(c), 2242, 2243, 2251, 2251A, 2252,
11 2252A, 2260, 2421, 2422, or 2423, 2258,
12 or 2258A, of title 18;

13 “(ii) section 20341 of title 34; or

14 “(iii) a non-Federal law that is similar
15 to a law described in clause (i);

16 “(B) by reason of the conduct prohibited,
17 a person who, while a minor, was aggrieved.”;

18 (2) by amending section 1109(c) to read as fol-
19 lows:

20 “(c) A party in interest, including the debtor, the
21 trustee, a creditors’ committee, an equity security holders’
22 committee, a creditor, an equity security holder, or any
23 indenture trustee, may raise and may appear and be heard
24 on any issue in a case under this chapter. In any case
25 in which a claim is filed against the debtor arising out

1 of the alleged sexual abuse of a child, the court shall hold
2 a conference within 60 days of the deadline by which
3 proofs of claim must be filed to consider victim impact
4 statements.

5 “(d) The sole purpose of victim impact statements
6 shall be to increase engagement and understanding be-
7 tween the bankruptcy court and victims or survivors of
8 child sexual assault. To encourage candor, and thus en-
9 hance the utility of victim impact statements, the informa-
10 tion provided through victim impact statements is not, and
11 shall not be used as, evidence by any person in the case.”,

12 (3) in section 1101—

13 (A) by in paragraph (2) by striking the pe-
14 riod at the end and inserting “; and”, and

15 (B) by adding at end the following:

16 “(3) “victim impact statement” means a voluntary
17 written, oral, video, or audio statement, submitted to, or
18 presented to the court in the name of the victim or under
19 a pseudonym, describing the emotional, physical, familial,
20 or financial impact suffered as a result of the sexual abuse
21 of the victim who is a creditor of the debtor in a chapter
22 11 proceeding.”,

23 (4) in section 541 by adding at end the fol-
24 lowing:

1 “(g) In all cases regarding debts or other financial
2 liability arising from allegations of sexual abuse of a child,
3 involving debtors that are organizations described in sec-
4 tion 501(c)(3) of the Internal Revenue Code of 1986 and
5 exempt from tax under section 501(a) of such Code, the
6 Court shall engage the services of an independent forensic
7 accountant to review the assets and interests of such debt-
8 or, and any nondebtor sought to be released from liability
9 in a proposed reorganization plan, and require preparation
10 of a report to assist the Court with ensuring that such
11 assets and interests are properly included or excluded
12 from the estate.”,

13 (5) in section 107—

14 (A) in subsection (b) by adding at the end
15 the following:

16 “This subsection shall not apply to cases regarding debts
17 or other financial liability arising from potential liability
18 stemming from allegations of sexual abuse of a child ex-
19 cept to the extent necessary to protect the identity and
20 personal information of the person(s) alleging that they
21 were abused unless the alleged offender is found innocent
22 of abuse in a court of law.”,

23 (B) by amending subsection (d) to read as
24 follows:

1 “(d) Except no court order shall seal any evidence
2 of alleged crimes relating to the sexual abuse of a child
3 other than to protect the identity and personal information
4 of the person(s) alleging that they were abused unless the
5 alleged offender is found innocent of abuse in a court of
6 law.”,

7 (6) in section 362(b)(2)(A)—

8 (A) in clause (iv) by striking “or” at the
9 end,

10 (B) in clause (v) by adding “or” at the
11 end, and

12 (C) by adding at end the following:

13 “(vi) concerning the sexual abuse of a
14 child or related claims;”,

15 (7) in section 524(g)(2)(B)(i) by inserting “or
16 relating to the sexual abuse of a child” before the
17 semicolon at the end,

18 (8) in section 1111 by adding at the end the
19 following:

20 “(c) Claims relating to sexual abuse of a child are
21 deemed timely filed regardless of and notwithstanding the
22 state statute of limitation otherwise applicable to the
23 claim.”, and

24 (9) in section 1181 by adding at the end the
25 following:

1 “(d) PROHIBITION ON CLAIMS RELATED TO CHILD
2 SEXUAL ABUSE.—Notwithstanding any provision of law
3 to the contrary, no subchapter 5 filings shall be permitted
4 for claims arising from or related to child sexual abuse.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 1 of title 11, United States Code, is amended
7 by adding at the end the following:

“113. Suspension of stay without consent.”.

8 **SEC. 3. AMENDMENTS TO THE FEDERAL RULES OF BANK-**
9 **RUPTCY PROCEDURE.**

10 The Federal Rules of Bankruptcy Procedure (11
11 U.S.C. app.) are amended—

12 (1) in rule 2004—

13 (A) by amending subsection (b) to read as
14 follows:

15 “(b) Scope of Examination

16 “The examination of an entity under this rule or of
17 the debtor under §343 of the Code may relate only to the
18 acts, conduct, or property or to the liabilities and financial
19 condition of the debtor, or to any matter which may affect
20 the administration of the debtor’s estate, or to the debtor’s
21 right to a discharge. In a family farmer’s debt adjustment
22 case under chapter 12, an individual’s debt adjustment
23 case under chapter 13, or a reorganization case under
24 chapter 11 of the Code, other than for the reorganization
25 of a railroad, the examination may also relate to the oper-

1 ation of any business and the desirability of its continu-
2 ance, the source of any money or property acquired or to
3 be acquired by the debtor for purposes of consummating
4 a plan and the consideration given or offered therefor, and
5 any other matter relevant to the case or to the formulation
6 of a plan. In a reorganization case under chapter 11 of
7 the Code related to the alleged sexual abuse of a child,
8 the examination shall also relate to the abuse allegations
9 against the debtor and any affiliated entity, remedial poli-
10 cies and responses to those allegations, information on the
11 debtor or an affiliated entity's finances and financial pro-
12 jections, and any other matter relevant to the case or to
13 the formulation of a plan.”, and

14 (B) by amending subsection (c) to read as
15 follows:

16 “(c) Compelling Attendance and Production of Docu-
17 ments or Electronically Stored Information

18 “The attendance of an entity for examination and to
19 produce documents or electronically stored information,
20 whether the examination is to be conducted within or with-
21 out the district in which the case is pending, may be com-
22 pelled as provided in Rule 9016 for the attendance of a
23 witness at a hearing or trial. As an officer of the court,
24 an attorney may issue and sign a subpoena on behalf of
25 the court where the case is pending if the attorney is ad-

1 mitted to practice in that court. In a reorganization case
2 under chapter 11 of the Code related to the alleged sexual
3 abuse of a child, debtor attendance for examination and
4 the production of documents or electronically stored infor-
5 mation is required.”, and

6 (2) in rule 9018 by adding at the end the fol-
7 lowing:

8 “In no respect shall any court order seal any evidence of
9 alleged crimes relating to the sexual abuse of a child other
10 than to protect the identity and personal information of
11 the person(s) alleging that they were abused unless the
12 alleged offender is found innocent of abuse in a court of
13 law.”.

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